

**Maine Department of Transportation  
Aroostook County Transportation Study  
Public Advisory Committee (PAC)**

**Meeting Minutes – PAC Meeting No. 23**

*Tuesday, June 22, 2004*

*Caribou Inn and Convention Center*

*3:00 – 5:00 pm*

**Public Advisory Committee (PAC):**

Paul Bouchard  
Jim Brown  
Fred Corey  
Linda Anne Cyr  
Peggy Daigle  
Richard Daigle  
John Edgecomb  
Arthur Faucher  
Gene Green  
George Howe  
Norm Johnson  
Richard Mattila  
Ray Mercereau

**Not in attendance:**

Sam Collins  
Michael Corey  
Dale Flewelling  
Carl Flora  
David Parent  
Candy Roy  
Anthony Tomah

**Study Team:**

Jon Feinstein, VHB  
David Hewett, VHB  
David Cole, Commissioner,  
MaineDOT  
Ray Faucher, MaineDOT  
Bob Ballew, MaineDOT  
Mike Morgan, Maine DOT  
Jay Kamm, NMDC  
Kenneth Murchison, NMDC  
Susanna Liller, Barton & Gingold  
Linda Fish Edgar, Barton & Gingold  
Mark Hasselmann, FHWA  
Peter Kleskovic, FHWA  
Jay Clement, Army Corps of  
Engineers  
Gordon Russell, US Fish & Wildlife  
Service  
Tim Timmermann, EPA

Susanna welcomed everyone to the 23rd PAC meeting and introduced the Study Team. She explained that the purpose of this meeting is to hear from the Environmental Protection Agency (EPA), the Federal Highway Administration (FHWA), the Army Corps of Engineers, and the US Fish & Wildlife Service. She introduced everyone from the agencies.

Ray Faucher addressed the group and introduced Mark Hasselman as the lead federal agency for the study.

## AGENCY PRESENTATIONS

Mark Hasselman FHWA—addressed the PAC explaining that the FHWA’s primary responsibility in this study is document review (of the Draft and Final Environmental Impact Statements) and procedural guidance, through the MaineDOT, as the applicant of the federal funds for the project. He said that FHWA and MaineDOT work together, have monthly interagency meetings and share information. The two agencies bring people together to address questions and concerns about the NEPA (National Environmental Policy Act) process. FHWA filed a notice of intent in 1999 concerning this study and now is working on a draft of the Final EIS. The team has come up with a preferred alternative, however there will be subsequent recommendations and documents. This is a project that is decades out.

Jay Clement, Army Corps of Engineers - Mr. Clement explained that he was the person in charge of the Corps’ Maine project office in Manchester. His primary responsibility is administering the permit program in the State of Maine. He gave an overview of the Corps program:

- Permits are required for all work in navigable waters;
- The discharge of dredged material into all lakes ponds/wetlands; any filling needs an Army Corp of Engineers review and permit; and
- Most MaineDOT projects require ACOE permits.

The permitting process starts with:

- A submitted application.
- They may solicit public comment.
- They then decide whether or not to issue a permit.
- They place a great deal of emphasis on alternatives. Jay explained that there is a presumption in the regulations (developed in association with USEPA) that most development projects don’t have to fill waterways and wetlands in order to get built. The burden is placed on applicants to demonstrate that there are no other alternatives that have less environmental impact.
- The most critical element is the alternatives analysis. The Corps works with sister agencies and the public to avoid impacts on the aquatic environment and impacts to the public.

He stated that the Corps wants the least environmentally damaging practicable alternative (LEDPA). They look at how it is going to affect the town and community. Written comments are received and they try to resolve the issues raised. They place a great deal of emphasis on mitigation and try to whittle the alternatives down in terms of environmental and social impact.

Restoring and recreating wetlands can be extremely expensive and time consuming. For a project of this magnitude, with impacts well over 100 acres of wetlands, he said they need to offset impacts with mitigation. Mitigation cost can often outstrip or equal the project cost.

Jay further explained that the Corps has a process that's germane to FHWA's NEPA process. They call it the Highway Methodology. It can be downloaded from their website. Some key points about this methodology:

- It was developed to minimize some of the duplication effort that goes on within state government;
- It was designed to reduce processing time that goes on with FHWA planned projects;
- It incorporates a number of milestones, - once we've achieved something we don't go back.
- It identifies the basic project purpose, agrees on what are the environmental/socioeconomic issues, and agrees on what functions/values are being affected by the project and provides an adequate scope of mitigation;
- The end result is the Corps/FHWA/MaineDOT and the public have identified the least environmentally damaging alternative for a given project.

Concerning the Aroostook County Transportation Study:

- The Corps looks at a specific set of alternatives and the corridor analysis. It will identify specific projects within the study and additional studies that will need to happen in the future.
- The Corps provided comments to the draft EIS. The Corps and EPA agreed that the upgrade/composite alternative is very likely going to contain the least environmentally damaging alternative. A great deal of work remains to be done. We'll be looking at specific projects as well, like the Presque Isle Bypass.
- The EIS may not be the only supporting documentation for permit applications to be submitted. It is a good planning tool if it provides good background information about the project area and about the need for various improvements.
- The Corps and the Maine Department of Environmental Protection (DEP) will need to issue permits for virtually anything the MaineDOT does. They will need permitting for upgrade projects, for truck lanes, because they will impact wetlands. That will require permits from the ACOE. We will continue to work with MaineDOT and our partners at the federal and state levels. (Federal Partners typically include, - US Fish & Wildlife, EPA, and FHWA; State partners include, - DEP and Maine Inland Fisheries & Wildlife) We also deal actively with tribes and endangered species.)
- Mr. Clement emphasized that public input will be critical to the process. He told the PAC and public participants that if they have things to say, to contact his office and that e-mail works well. The agency and its process are meant to be very open. Whether they have an application or not, or whatever stage we are in, public comment can be submitted. Mitigation for project impacts will be critical for the Corps to issue permits. MaineDOT will work closely with Aroostook County to look at mitigation.

Tim Timmermann, EPA - Mr. Timmermann thanked the PAC and MaineDOT for inviting him to participate. He explained that he worked for the EPA in Boston. He primarily works with the National Environmental Policy Act.

He gave an explanation of how the EPA views NEPA and further explained their range of work:

- 1970 National Environmental Policy Act was passed at the same time that the EPA was formed.
- Under NEPA, projects should have an independent review of their environmental impact statements. Section 309 of the Clean Air Act says we need to review and publicly comment on projects where there is major Federal action. NEPA kicks in when there's funding or federal permit action and if there are potential impacts to the environment.

Major elements of EPA's review include:

- Adequate analysis;
- Commenting on issues of air quality, water quality, water supply, wetlands;
- Commenting on the methodology used to assess these impacts;
- Potential violations and inconsistencies with national environmental standards. We want to make sure there's enough information presented to understand the impacts of the project;
- The scope of the project; and
- Level of responsibility (historic areas)

EPA's goals for the NEPA process include:

- The EIS is a tool that should support informed decision making by the agencies issuing permits and by the agency proposing the action;
- It should help further discussions about avoiding and minimizing impacts;
- The EIS should fully consider a reasonable range of alternatives;
- The EIS should compare the relative set of impacts that each alternative might have; and
- The EIS process should involve an active public comment process. This is very important.

EPA's NEPA role is advisory. There is no NEPA permit that is issued. Rather, we offer advice and hope that the parties listen. EPA is typically involved early on - starting with the scoping comments.

This is a tiered EIS. When it's done it will provide some direction for MaineDOT as far as more specific review work to do. Some projects are categorically exempt, with other projects it may not be clear whether the impacts are significant or not. In this instance, we're clear there are significant impacts and there has to be an Environmental Impact Statement. When the EIS is done, then the planning level work is done and then the EPA looks at what to focus on.

Other types of projects that are subject to NEPA review include:

- Wind Farm in Nantucket Sound;
- On & Off shore LNG facilities;
- Transportation projects;

- Hydro Electric relicensing;
- Airport expansions;
- Ski area expansion; and
- Wild life refuge designations.

Gordon Russell, US Fish & Wildlife Service - Mr. Russell explained that he is the Supervisor of the Maine Field Office in Old Town. Wende Mahaney, who is working very closely with MaineDOT on this study, was not able to attend today. Gordon explained that US Fish & Wildlife's role is to identify potential impacts to fish and wildlife resources and to make recommendations for impact assessment studies. Some highlights about the organization:

- Fish & Wildlife is in an advisory capacity, similar to the EPA. Their mandate focuses on the protection of fish and wildlife resources and habitats.
- They review impact assessment studies associated with transportation projects and other developments requiring a federal permit or license, but don't have staff for exhaustive investigations. They provide comments to the consultants doing the work, and ultimately to the DOT, FHWA and Corps.
- An exception where they get into more of a regulatory mode is when endangered or threatened species may be present. There has been preliminary review of this study with respect to federally listed species, but FWS will be updating and reviewing that to make sure actions avoid any harm to endangered or threatened species.
- The FWS also has trust responsibility for recognizing impacts to the Tribes. They'll be working closely with the Micmacs and Maliseets as this study progresses and individual projects go forward.

## **QUESTIONS FROM THE PAC**

- Arthur Faucher stated that the study had looked at different corridors for the DEIS and some were excluded from Caribou to Madawaska. He asked Tim what caused that to happen? Hm and Km are examples.
- Tim responded that the EPA felt the best facts will come from MaineDOT. The EPA looked at the DEIS, and at what would meet project purpose. The EPA believes that of the 4 corridors, composite corridor 1 would have the greatest potential to progress to the permit process. EPA's comments on the draft EIS explain that the MaineDOT should explore composite corridor 1 further, but that there still may be significant issues with that option. EPA thought the other 3 corridors looked very challenging in comparison with composite corridor 1.
- Mr. Faucher asked if there was a checklist they used to make their assessment?

- Tim responded that the EPA looks at the issues, does relative comparisons and offers input based on that.
- Richard Mattila stated that he'd like a letter he'd received from Leon Knowles entered into the minutes.
- John Edgecomb asked if FHWA advises MaineDOT.
- Mark Hasselman responded that as this is a transportation project, MaineDOT is the applicant and therefore needs to follow federal application guidelines. MaineDOT follows the FHWA NEPA process in order to be eligible the 80% federal share. FHWA is responsible for the content of the documentation of the project.
- John Edgecomb continued with the question asking if MaineDOT submits in a way that satisfies FHWA?
- Mark Hasselman concurred that they did.
- Jay Clement noted that in as much as the Corps of Engineers has to eventually grant a permit, it is the Corps that guides the whole process. The Corps owns the highway methodology process. It's a guidance document.
- John Edgecomb asked if ultimately the FHWA is the lead federal agency with responsibility for the project. Mr. Hasselman said that they were.
- Peggy Daigle explained to the group that the Town of Houlton has paid for an independent analysis of the economic impact of the project to their town. It will provide additional information. She provided several copies of the analysis to Ray Faucher.
- Paul Bouchard asked for a quick update of where the study is at in terms of the whole project.
- Jon Feinstein responded that the final design plans are prepared. Alternatives preferred are those on the current map. The study team is looking at quantifying impacts. Caribou and Presque Isle are almost complete.
- Fred Corey asked if the southern end of the project area, showing two routes, is one alternative?
- Jon Feinstein answered that the blue line is the upgrade and the orange line is new alignment. They represent one alternative. The study team is calculating the impacts of both pieces now.

- Fred Corey asked if all corridor information be in the final EIS?
- Jon Feinstein answered that all alternatives, including those which have been discarded will be documented in the final EIS.
- Fred Corey asked if the EIS had a Preferred Alternative, a no action alternative, and then three or four other alternatives to compare with the preferred.
- Jon Feinstein explained that the process was that in the draft EIS, the study team started with a range of 40 alternatives. We looked at the 40, and whittled them down, by looking at how they meet purpose and need. The team went to the County and got comments from the public and from the agencies. After considering the remaining alternatives and the comments made at the public hearings, the team identified a preferred alternative.
- Dave Hewett added that the draft EIS had two levels of analysis comparing corridor to corridor and it gives justification and logic for dismissing corridors.
- Mark Hasselman explained that this is the tiering aspect of NEPA. What are the corridors we can identify that can move us more quickly towards permissible action? You will see more detailed analysis in the 2<sup>nd</sup> and 3<sup>rd</sup> tiered documents.
- Fred Corey asked if the southern corridors being carried forward meet a different project need and purpose?
- Jon Feinstein responded that they both meet the overall study purpose and need.
- Fred Corey asked if they could potentially both happen.
- Jon Feinstein responded that major policy decisions would have to be made. We'll provide data that will help FHWA analyze this.
- Mark Hasselman explained that the FEIS is a compilation of data. The idea is that the EIS makes a statement. It's the tool to get to the decision document.
- Linda Anne Cyr asked if it could be proved viable could corridor H be reinstated.
- Tim Timmermann responded that new information can always be presented and it could tip the balance. He noted that all the agencies have seen changes late in the decision process.
- Linda noted that new information might show there isn't a lot of traffic and that could change their thinking. Perhaps they could see there isn't the demand they think there is.

- Jay explained that the Corps charges MaineDOT and FHWA to come up with gross resource information that uniformly compares the various alternatives so the Corps can make decisions as to what moves forward. We try to encourage forward movement, but these are not decisions that we never rethink so if you have specific information that you feel hasn't been heard by the right people, then please contact my office.
- Ray Faucher explained that a key element in the process is to use same level of detail when comparing alternatives.
- Commissioner Cole reiterated that MaineDOT invited the agencies so the public and the PAC would have a chance to hear directly how this process comes about.
- Jon Feinstein explained that this study was more than how to get quicker from point a to point b. A major issue early on was how to increase mobility, which is movements of traffic, people getting to work. We have been trying to balance transportation improvements together with all the benefits listed in our purpose and need.
- Richard Mattila said he is concerned that if this is decades away then there will be changes to our environment over that time. The findings of this study may not be applicable in two decades and we'll have to go through this again.
- Jon Feinstein suggested that everyone think of this as a master plan. Pieces of the project can be done over time. These are data resources that people in the County can start using.
- Mark Hasselman added that if we've studied something under NEPA then we have the ability to reevaluate the document.
- Norman Johnson stated that it has taken 12 years to get where we are now. It's a long term plan for the whole corridor. Fortunately, we're doing this right and it gives every community ample time to look at the whole process.
- Linda Anne Cyr asked about former Commissioner Melrose and his statement that there will be upgrades on RT 1 and that's it. She asked if that statement still held.
- Commissioner Cole responded that he's still waiting to see where the merit is. We're going to let the NEPA process do its job.
- George Howe asked how much merit is given to communities' comprehensive plans?

- Jon Feinstein responded that the study team has received all comprehensive plans. The study does comply with many plans. It isn't easy to say how it relates directly because some plans are general and some specific. We're trying to identify specific issues as they relate to the comprehensive plans.

### **Public Comments:**

- Ross Paradis, State Representative, serves on the Transportation Committee, lives in Frenchville, noted that there seems to be bias by MaineDOT against Corridor H.
- Ray Faucher responded that the study team has looked at impacts associated with the new alignment. The agencies mentioned they felt the corridor that had the greatest chance of moving forward was Corridor 1. You're looking at information in the Draft EIS that H is a good performer. The cost was based on a 99-mile corridor. The composites are based on about 145 miles of corridor. The composites improve a lot more miles. The Corps is the permitting agency and the study team has to present to them a corridor with the least amount of environmental damage or else permitting won't go forward. We are trying to collect and provide factual information and to use that to make good decisions (Composite corridors included 147 miles of upgrade under Corridor 2. H corridor was just 99 or 100 miles.)
- Doug Anderson, a New Sweden Selectman, noted that the improvement on Route 161 a few years ago had a negative impact. New Sweden would like to maintain their pristine town. We've had moose crashes, - 6 in the last month. It seems there is no economic value for this road to go through New Sweden. He would like to see the road go 60 miles in one way or the other. We won't get economic impact from south, but maybe from Canadians.
- Paul Cyr, from Madawaska, thanked the agencies for coming. He told the agency representatives that they've been doing everything to provide MaineDOT with data. He said that people are unhappy and his questions are not being answered. He read a prepared statement: (attached).
- Brenda Nasberg Jepson, from New Sweden, stated that the MaineDOT newsletter reported that they had met with the New Sweden Historical Commission, but they had not. She read a prepared statement (attached). Note that MaineDOT's consultant VHB met with Brenda and other members of the New Sweden community on January 15<sup>th</sup> 2004 at which meeting Brenda said that she was representing the New Sweden Historical Society.
- Jon Feinstein responded that early on in the study, the study team culled down 40-odd corridors. Throughout the County and on Route 161 we surveyed structures for impacts to historical buildings and they're all being reviewed. Jon's

staff met with the New Sweden Historical Society and the meetings went well. We're trying to minimize impacts along Route 161. Upgrading of 161 would be a 2-lane roadway except where a passing lane is needed.

- Kathy Mazzuchelli, New Sweden Planning Board, stated that the study team had been responsive and addressed the concerns of New Sweden. They had provided a wealth of information to MaineDOT once it was realized the cultural component was deficient. She asked if there is significant impact relative to the cultural/historic resources.
- Jon Feinstein responded that at the last review they looked at important features along the road. They had a first cut, just showing where there could be a need for multiple lanes but also looking at wetlands and historic homes.
- Boyd Nelson also from New Sweden Commented on traffic difficulties on Jacobson Hill with tractor trailer trucks. Along this route sees a lot of moose crossings. He predicted that a lot more moose would be killed if the road is upgraded.
- Scott Norton, from Presque Isle asked about the bypass timeline. He would like to know if he should start a housing project.
- Ray Faucher responded that MaineDOT is trying to define the preliminary alignment. He said that sometime next year we'll hope to finish the current process. He advised Mr. Norton not to stop what he was doing. MaineDOT is hoping to begin construction on the 1<sup>st</sup> phase in 2007 between Conant Road and Route 163/167..
- Kirk Carroll expressed concern as a business owner regarding the economic impact to the businesses in Presque Isle.
- James from Madawaska urged MaineDOT to think about the economic impact. There has to be concern about making it into a Route 95. A highway creates a lot of noise to neighborhoods. We want access to Augusta, Portland & Bangor. He advised MaineDOT to keep it straight as much as possible. As far as wetlands, if that's where it needs to go, that's what should be done.
- Arthur Faucher, a PAC member, had a question in reference to Paul Cyr's letter: why weren't all four options included in the DEIS? People want a straight line.
- Jon replied that the study team will continue to work with the planning board in New Sweden. When we went through the Draft EIS and looked at the data and resources information, we did not believe it was prudent to keep H. A very important piece of this study is corridor management, - to preserve Route 1 to Van Buren through corridor management. We will have upgrading with a new alignment piece.

- Arthur Faucher summarized that it appeared from Tim's presentation that a new alignment won't be able to get a permit.
- Jon responded that with regard to culture resources, the study team will have to show prudent and feasible alternatives. We looked at potential border crossings. We concluded that connection in Madawaska provided the best opportunity.
- Linda Anne Cyr explained that no one in the Saint John Valley is happy with this outcome. She would like other alternatives reconsidered especially corridor H between Caribou and Madawaska.
- Paul Bouchard stated that he didn't think Linda could speak for everyone in the Saint John Valley and to say no one is happy with this. He added that Paul Cyr represents a small segment of Aroostook. There is a lot of traffic on Route 161 and paying attention to its upgrades is important.
- Jay Clement indicated that he felt that the public was not hearing what he and Tim had said concerning the permitability of the new alignment segments. He explained that one reason why the Federal Agencies were asked to come was perhaps to explain the process and provide the public with a reality check from the agencies' standpoint. He said they recognize MaineDOT as an applicant. They are the transportation agency but not an environmental/economic development agency. The agencies look at specifics, at what is the purpose and how can it be done in the least environmentally damaging manner? Heavy emphasis is put on the protection of the aquatic environment. In the Draft EIS, our experience tells us the upgrade alignment is generally less environmentally damaging than a new roadway. Provide us with true impacts or any glitches to the data you see, if you'd like. Certainly our process allows you to convince us against pre-set positions. It's meant to be an open process. We invite you to present your information for us to make an informed decision.

Susanna closed the meeting.